



*United States Attorney
Eastern District of New York*

NMA:RN:AL:sw
F.#2010R00195
Disc. 39

271 Cadman Plaza East
Brooklyn, New York 11201

April 10, 2012

Via ECF

All Defense Counsel

Re: United States v. Theodore Persico, Jr., et al.,
Criminal Docket No. 10-147 (S-3) (SLT)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes the following supplemental discovery with respect to the above-captioned case. The government hereby reiterates its request for reciprocal discovery.

In addition, pursuant to Fed. R. Crim. P. 12.1(a), the government hereby demands written notice to be served within ten days of this demand if any of the defendants intend to offer a defense of alibi. The written notice shall state the specific place or places at which the defendant claims to have been at the time of the alleged offenses, and the names and addresses of the witnesses upon whom the defendant intends to rely to establish such alibi. The offenses took place at the location and dates specified in the Superseding Indictment. With respect to the murder of Michael Devine, the offense took place on January 24, 1992 prior to 9 a.m. in the vicinity of 95 Essex Street in Staten Island, New York. With respect to the murder of Joseph Scopo, the offense took place on October 20, 1993 at approximately 11:00 p.m. in the vicinity of 107-43 100th Street in Ozone Park, New York.

These materials are available at DupeCoop and you may obtain copies by contacting John Palermo at (973) 895-1359.

Documents and Other Tangible Items

DX #	Description	Bates Range
322	CD containing documents relating to the sale of Romantique Limousines	39444
323	Alphonse Persico's BOP records	39445-39836

DX #	Description	Bates Range
324	Alphonse Persico's FCI Fairton calls dated 4/30/08 - 7/15/08	39837
325	Alphonse Persico's FCI Fairton calls dated 7/15/08 - 10/5/08	39838
326	Alphonse Persico's FCI Fairton calls dated 10/4/08 - 11/13/08	39839
327	Alphonse Persico's FCI Fairton calls dated 11/20/08 - 12/15/08	39840
328	Alphonse Persico's FCI Fairton calls dated 11/20/08 - 4/6/09	39841
329	Alphonse Persico FCI Milan calls 1991-1992 ¹	39842-39888

Michael Persico may have been recorded during some of the prison calls listed above, including, but not necessarily limited to, the recordings listed below. At the present time, the government intends to introduce the recording dated 1/8/92, 10:56 am and may seek to introduce the recording dated 1/23/92, 20:15 pm.

DESCRIPTION	DEFENDANT
Telephone call dated 10/2/91, 14:22	Michael Persico
Telephone call dated 10/9/91, 15:20 pm	Michael Persico
Telephone call dated 10/18/91, 16:33 am	Michael Persico
Telephone call dated 10/21/91, 14:37 pm	Michael Persico
Telephone call dated 12/24/91, 10:50 am	Michael Persico
Telephone call dated 1/3/92, 14:18 pm	Michael Persico
Telephone call dated 1/6/92, 10:47 am	Michael Persico
Telephone call dated 1/8/92, 10:56 am	Michael Persico
Telephone call dated 1/14/92, 00:28 am	Michael Persico

¹These calls supplement Discovery Exhibit 220

DX #	Description	Bates Range
330	Search warrant and affidavit for 1324 73 rd Street, Brooklyn, NY	39889-39896
331	Reports related to the execution of search at 1324 73 rd Street, Brooklyn, NY	39897-39914
332	CD containing photographs of U-Haul truck and merchandise, dated 10/27/94 ²	39915
333	Alphonse Persico and Teresa D'Apice marriage licence	39916-39918

Please be advised that there was an error in Discovery Letter 38. Discovery Exhibit 318 was described as Anthony Ferrara's wedding video, 2008. The correct year is 1997.

Please contact me if you have any questions or additional requests.

Very truly yours,

LORETTA E. LYNCH
United States Attorney

By: /s/
Samantha E. Ward
Paralegal Specialist
(718) 254-6142

² These materials supplement Discovery Exhibits 293 and 294.